

GOMEZ TRIAL ATTORNEYS

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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

) No. MD-15-02641-PHX-DGC
)
) **AMENDED MASTER SHORT FORM**
) **COMPLAINT FOR DAMAGES FOR**
) **INDIVIDUAL CLAIMS AND DEMAND**
) **FOR JURY TRIAL (FIRST AMENDED)**
)
)

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

1. Plaintiff/Deceased Party:

Cecile Evans

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

N/A

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Oklahoma

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Oklahoma

7. District Court and Division in which venue would be proper absent direct filing:

Northern District of Oklahoma

8. Defendants (check Defendants against whom Complaint is made):

✓ C.R. Bard Inc.

✓ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

✓ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery® Vena Cava Filter

☒ G2® Vena Cava Filter

☐ G2® Express (G2®X) Vena Cava Filter

☐ Eclipse® Vena Cava Filter

☐ Meridian® Vena Cava Filter

☐ Denali® Vena Cava Filter

☐ Other:

11. Date of Implantation as to each product:

09/15/2009

12. Counts in the Master Complaint brought by Plaintiff(s):

- ✓ Count I: Strict Products Liability – Manufacturing Defect
- ✓ Count II: Strict Products Liability – Information Defect (Failure to Warn)
- ✓ Count III: Strict Products Liability – Design Defect
- ✓ Count IV: Negligence – Design
- ✓ Count V: Negligence – Manufacture
- ✓ Count VI: Negligence – Failure to Recall/Retrofit
- ✓ Count VII: Negligence – Failure to Warn
- ✓ Count VIII: Negligent Misrepresentation
- ✓ Count IX: Negligence Per Se
- ✓ Count X: Breach of Express Warranty
- ✓ Count XI: Breach of Implied Warranty
- ✓ Count XII: Fraudulent Misrepresentation
- ✓ Count XIV: Violations of Applicable Oklahoma Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ✓ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting this count in the space immediately below)

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1 13. Jury Trial demanded for all issues so triable?

2 ☒ Yes

3 ☐ No

4
5 RESPECTFULLY SUBMITTED this 27th day of June, 2017

6 GOMEZ TRIAL ATTORNEYS

7
8 By: /s/ Ahmed S. Diab
9 Ahmed S. Diab
655 W. Broadway, Suite 1700
San Diego, CA 92101

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11 I hereby certify that on this 27th day of June, 2017, I electronically transmitted the attached
12 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of
13 Electronic Filing.

14
15 /s/ Ahmed S. Diab